

# **SNOHOMISH COUNTY**

## **Charter Review Commission**

**Wednesday June 21, 2006**  
**Sixth Floor Conference Room**  
**County Administration Building East**  
**Everett, WA**

**Commission Members Present:** Gail Rauch, Mike Cooper, Ryan Larsen, David Simpson, Jim Kenny, Eric Earling, Wendy Valentine, Diane Symms, Rick Ortiz, Rene Radcliff Sinclair, and Mark Bond.

**Commission Members Excused:** Kristin Kelly, Barbara Cothorn Hawksford, and Christine Malone.

**Staff Present:** Frank Chelminiak, and Allena Olson.

**Others in Attendance:** Evelyn Spencer, Paul Blowers, Grant Heppenstahl, Greg Stephard, Ed Moats, and Peter Camp.

**Call to Order:** Chair Cooper called the meeting to order at 6:31 p.m.

**Approval of Agenda:** ACTION: Commissioner Earling made a motion to approve the agenda. Commissioner Rauch seconded the motion and all commission members present unanimously approved it.

**Approval of Minutes:** Corrections were made to page 11, 12 and 13 from the minutes of June 14th.

ACTION: Commissioner Larsen made a motion to approve the minutes as corrected. Commissioner Earling seconded the motion and all commission members present unanimously approved it.

**Public Comment:** There was no public comment for this meeting.

**New Business:** There was no new business for this meeting.

**Issue Debate:** #10 Fiscal Notes for all proposed ordinances. A briefing paper was presented on this issue. Within the paper it is stated that County Executive Reardon raised this issue during his presentation to the commission. The Executive is requesting that Charter language be inserted that regardless of whom proposes an ordinance it must contain fiscal impacts. Current County Code 2.48.118 requires both Executive and Council to submit and ECAF for all proposed ordinances. While the ECAF requires "fiscal implications" it does not require the level of detail that is required in the State Office of Financial Management fiscal notes.

DISCUSSION: Commissioner Earling asked for clarification on the difference of the current way fiscal implications are noted and the fiscal notes that the Executive is asking for.

Chair Cooper replied that based on conversations he has had and knowledge of the procedure the difference is the level of detail. Although ECAF is required it is not specifically required to do a detailed fiscal analysis when sending a proposed ordinance to the executive.

Commissioner Sinclair stated that she was unsure why the ECAF example given in the packet is blank. She stated that it is difficult to determine how the process is more/less detailed if there is no real example.

Commissioner Rauch stated that there was no other talk that this was an issue from any of the other department heads, and she feels that requiring this would bog down the process.

Commissioner Symms asked if the executive asked if he could receive the information he was requesting without putting language in the Charter.

Chair Cooper replied that he was unsure about that.

Commissioner Symms asked if the executive would be requesting the additional information so that it could be passed on to the public.

Chair Cooper stated that fiscal notes are public knowledge.

Commissioner Valentine stated that she is having a hard time understanding the need for this and that she is not sure how she would sell it to the voters.

Mr. Moats stated that the commission might have been led to believe that there is a problem with what is required for this system today, and that the implications should be researched before it is decided to change a policy that may not need changing.

Chair Cooper stated that the executive did not stated there was a problem, only that this is one of the policies that he would have changed. He also reminded the commission that they are not debating if there is, or is not, a problem with the current policy, but whether they think the policy should be changed.

Commissioner Sinclair asked if ECAF is only applied to ordinance.

Mr. Camp replied that it is not only with ordinances; it is also applied to motions.

Commissioner Earling asked who does the fiscal analysis for the council.

Chair Cooper replied that the council has their own financial analyst.

Commissioner Earling stated that looking at the ECAF form and comparing it to one of the fiscal note examples it appears that there are parts that are mirrored between the two and there is only one portion that requires a bit more depth. He asked the commissioners who have had experience with this if it is this level of detail that is a key part of the analyzing.

Chair Cooper and Commissioner Sinclair both replied that it was.

Chair Cooper stated that often time there is even more detail of the fiscal statement required.

Commissioner Larsen asked if it was correct that the commissioners were only looking at the language in section number two of page two in the briefing paper.

Chair Cooper stated that was correct.

Commissioner Larsen stated that if the language were changed he would request that it specifically required the same from both sides.

Commissioner Symms asked what difference changing the language would make.

Mr. Camp replied that the effect on his office would be small because he was already required to complete fiscal notes.

Commissioner Symms asked if this would make it so that a better job could be done in figuring the outcome and impact of an issue.

Mr. Camp replied that it would assist in doing a better job of realizing the impact of an issue.

Commissioner Symms asked Mr. Moats the same question.

Mr. Moats replied that 99% of the legislature originates on the executives side and the practical effect would be that the council would have grounds to send a proposal back to the executive stating that they needed a more detailed fiscal note.

Commissioner Halvorson stated that she agrees with Commissioner Larsen that if one side is required to do it, both sides should be required to.

Chair Cooper asked the commissioners if this is really one of the things that they want to ask the voters to require.

**ACTION:** Commissioner Earling made a motion to move forward in preparing ballot language for this issue, noting that it would deal with both the legislative and executive

side, and that it would be bundled with the issue of the biennial budget. Commissioner Larsen seconded the motion.

Commissioner Earling stated that coming into the discussion on this topic he had no opinion on it but now he believes that it would help in the analysis of proposals, and that bundling it with the biennial budgeting issue seems logical.

Commissioner Rauch stated that she is against this motion. She stated that the small number of proposals that comes from the council does not warrant any change.

Commissioner Sinclair stated in the beginning she was in support of this issue, but following the discussion she is on the opposite side. She stated she does not feel it is something that needs to be in the Charter, but that it is something that needs to be worked out between the executive and the council.

Commissioner Bond stated he is also opposed to the motion.

Commissioner Valentine stated she is opposed to the motion.

**ACTION:** Commissioner Larsen made a motion to end debate on this issue. Commissioner Rauch seconded the motion and all commission members present unanimously approved it.

The Commissioners then voted on the original motion made by Commissioner Earling and seconded by Commissioner Larsen. The motion failed with a 5 to 7 vote, the individual votes are as follows:

Halvorson – nay	Rauch – nay
Larsen – aye	Simpson – aye
Symms – nay	Cooper – aye
Earling – aye	Sinclair – nay
Bond – nay	Kenny – nay
Valentine- nay	Ortiz – aye

**Issue #53 Public Disclosure of Signature Gatherers.** A briefing paper was presented to the Commissioners, the issue being whether or not signature gatherers should be required to disclose whether they are paid or volunteer.

Commissioner Sinclair stated that this is her issue, and that she is tired of having signature gatherers manipulating people with their little spiels, making them believe they are supporting something that they actually aren't. She stated that she feels this is an issue that needs to be addressed but that this may not be the time to do it.

**ACTION:** Commissioner Sinclair made a motion to take issue #53 off the table. Commissioner Rauch seconded the motion.

DISCUSSION: Chair Cooper stated that he feels this is a real issue that does need to be dealt with at a later date.

There was no more discussion on this issue.

ACTION: The Commissioners voted on the motion. The motion passed with a unanimous vote.

Issue #21 Update Nondiscrimination. A briefing paper was presented to the Commissioners regarding the issue of bringing the nondiscrimination language in the charter in line with state law. The options listed are to: 1. Maintain current Charter language, 2. Add new state language related to sexual orientation and update related to trained animals and disability, 3. Add 2 plus Veteran or military status.

DISCUSSION: Commissioner Earling asked counsel to clarify the degree to which current charter language on discrimination referencing 'not reasonably related to the accomplishment of a legitimate governmental purpose' might already offer protection from discrimination based on sexual orientation or veterans."

"Mr. Chelminiak replied that recent changes in state law would likely offer indirect protections for sexual orientation and service animals in a judicial setting, and that in general discrimination by the county not referenced in the charter would have to show a 'legitimate governmental purpose' if contested in such a setting."

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Chair Cooper stated that state legislature as passed narrowed the scope to housing and employment, and that the county has a broader scope.

Commissioner Sinclair stated that while the stated took the time to list what should not be discriminated against she feels that the County should be concerned with any type of discrimination. She asked if it would be possible to simply have a general statement against discrimination of any kind.

Mr. Chelminiak stated that would not be wise because there are certain situations where the government does, and should discriminate.

Commissioner Bond stated an example of discrimination that is necessary: that you cannot have a police officer or fireman that is in a wheelchair.

Commissioner Halvorson stated that there are legitimate safeguards protecting the citizens. She asked if by changing the language they would be opening the door for people to file suits for discrimination.

Mr. Chelminiak stated that this would only happen if the County did not follow the rules.

Commissioner Earling asked for clarification on the implacability of this issue, and when it might come into play.

Mr. Chmelik stated that it would come into play in situations of contracting, public housing, or sale of public assets.

Commissioner Sinclair stated that it could also come into play when dealing with Community held services.

Commissioner Rauch asked if the County did not decide to put the additional language in the Charter and a lawsuit was filed could they fall back on the state RCW.

Mr. Chelminiak stated that they could and further went into detail about how the county would use the RCW.

Commissioner Larsen stated that he would like additional information from legal council on this issue.

**ACTION:** Commissioner Larsen made a motion to request council to provide additional information on this topic, and to have discussion and decisions made at the meeting on July 12th. Commissioner Halvorson seconded the motion, and all commission members present unanimously approved it.

**Notes:** Chair Cooper stated that Steve is making a list of all groups to be notified with the list of ballot measures, and that any Commissioners that have groups to add should notify him with that information.

Commissioner Earling reminded the Commissioners to think about the topics that should be addressed in their transmittal letters to the council. He stated that this is the time to be thinking of the issues that they will want to put in the letter that may not necessarily be on the ballot.

**Adjournment:** The meeting was adjourned at 7:45 p.m.

**Minutes Submitted by:**

Allena Olson  
Recorder